

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF ALABAMA**

**SUSAN S. DEPAOLA, Chapter 7 Trustee  
for the Bankruptcy Estate of Philip L.  
Goodwyn, and SIMPLE PLEASURES,  
INC.,**

**Plaintiffs,**

**v.**

**V RESTAURANTS, INC., an Alabama  
corporation, and VINCE SAELE, an  
individual,**

**Defendants.**

**Case Number: 06-00893-WKW-SRW**

**Bankruptcy Case No. 05-32325 –  
Chapter 7, Bankruptcy Adv. Pro. No.  
05-03062-WRS**

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**NOTICE CONCERNING SETTLEMENT CONFERENCE AND MEDIATION**

COMES NOW the Plaintiff, Susan S. DePaola, by and through counsel, in accordance with the court's scheduling order, October 5, 2006, and says as follows:

1. The parties have met, face to face, pursuant to the court's pretrial order for settlement negotiations and have reached the determination that they cannot settle this case.
2. In fact, the positions and expectations of the parties are so far apart, that settlement, at this time, is impossible.
3. Further, it is the belief of counsel for the Plaintiff that mediation will not assist the parties in reaching a settlement. However, the Plaintiff would agree to submit to mediation.

Respectfully submitted on February 14, 2007.

Memory & Day

By: /S/ Von G. Memory  
Von G. Memory  
ASB-8137-071V

James L. Day  
ASB-1256-A55J

Attorneys for Plaintiff

OF COUNSEL:

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### **CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing document on the following, by:

☒ placing same in the United States Mail, postage prepaid, and properly addressed

☒ E-mail

☐ facsimile

☐ hand delivery

☐ delivered in open court

on February 14, 2007.

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Montgomery, Alabama 36104

/S/Von G. Memory  
OF COUNSEL